

## Message Text

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12  
ACTION L-03

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TO SECSTATE WASHDC 0659

UNCLAS SANTIAGO 7520

JOINT STATE/AID

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TAGS: PDIP, PFOR, US, CI  
SUBJ: PRIVILEGES AND IMMUNITIES FOR AMERICAN VOLUNTARY ASSISTANCE  
AND REHABILITATION AGENCIES

REFS: A) STATE 183169 B) SANTIAGO 5936

1. USAID RLA GAIR AND EMBOFF MET WITH NEWLY-DESIGNATED  
FOREIGN MINISTRY LEGAL ADVISOR RIOS AND CONSULTANT  
ARTEAGA ON AUGUST 2 TO DISCUSS REFTELS. THE CHILEANS  
WERE MOST COOPERATIVE.

2. THE CHILEANS ENDORSED CLEARER DEFINITION OF ENTRY INTO  
FORCE PER PARA 1 REF A. IN ACCORDANCE WITH ALTERNATE  
WORDING IN REF A THEY SUGGESTED THE FOLLOWING: AFTER  
"... ENTRARA EN VIGENCIA A PARTIR DEL MOMENTO EN  
QUE" (LAST PARA OF PARA 3 REF B) DELETE, "APROBADO  
POR LA EXCMA, JUNTA DE GOBIERNO DE LA REPUBLICA DE  
CHILE, SEA PROMULGADO POR EL PRESIDENTE DE LA REPUBLICA"  
AND REPLACE WITH: " EL GOBIERNO DE LOS ESTADOS UNIDOS  
RECIBA NOTA ESCRITA DEL GOBIERNO DE CHILE INDICANDO  
QUE SE HAN CUMPLIDO LOS TRAMITES LEGALES INTERNOS PARA  
SU APROBACION Y PROMULGACION,..."

3. IN ENGLISH TEXT WE WOULD DELETE PHRASE: "FOLLOWING  
APPROVAL OF THE EXC. JUNTA DE GOBIERNO OF THE REPUBLIC  
OF CHILE, IT HAS BEEN PROMULGATED BY THE PRESIDENT OF  
THE REPUBLIC..." AND SUBSTITUTE: "THE GOVERNMENT OF  
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THE UNITED STATES OF AMERICA RECEIVES WRITTEN NOTICE

FROM THE GOVERNMENT OF CHILE INDICTING THAT IT HAS COMPLETED THE INTERNAL LEGAL REQUIREMENTS FOR ITS APPROVAL AND PROMULGATION...".

4. WE ALSO AGREED TO REVISE THE PRESENTATION OF POINT 2 OF THE CHILEAN NOTE SO AS TO CLEAR UP A POSSIBLE AMBIGUITY IN THE ENGLISH TEXT. AS WRITTEN POINT 2 REPLACES THE LAST PHRASE OF THE SPANISH TEXT OF ARTICLE 2 OF THE 1955 EXCHANGE. THE REVISED VERSION WOULD REPEAT THE FIRST PART AS WELL. IT WOULD READ: "SEGUNDO: REEMPLAZASE NUMERO 2 POR LA SIGUIENTE: 'LAS AGENCIAS A QUE SE REFIERE ESTE ACUERDO SERAN AQUELLAS RECONOCIDAS SEGUN LAS DISPOSICIONES LEGALES VIGENTES EN LOS ESTADOS UNIDOS DE AMERICA, Y QUE EL GOBIERNO DE CHILE HAYA AUTORIZADO OFICIALMENTE PARA DESARROLLAR COMO TALES EN EL PAIS.'"

5. THE COMPARABLE ENGLISH WOULD READ: "SECOND: REPLACE NUMBER 2 WITH THE FOLLOWING: "2 . THE AGENCIES HEREIN REFERRED TO SHALL BE THOSE QUALIFIED UNDER UNITED STATES GOVERNMENT REGULATIONS, AND WHICH THE GOVERNMENT OF CHILE MAY HAVE AUTHORIZED OFFICIALLY TO CARRY OUT SUCH ACTIVITIES IN THE COUNTRY". THE LAST HALF OF THE SENTENCE IN THE 1955 ENGLISH TEXT CONTAINS ADDITIONAL COMMAS, MAKING IT DIFFICULT TO BE CERTAIN JUST WHERE THE LAST CLAUSE BEGINS. THE CHILEANS HAD NO PROBLEM WITH THIS FORMAT.

6. WE WOULD LIKE TO GO FORWARD AS QUICKLY AS POSSIBLE ON THIS EXCHANGE OF NOTES. PLEASE ADVISE IF PROPOSED CHANGES MEET WITH YOUR APPROVAL. ALSO PLEASE LET US KNOW IF DEPARTMMEENTAL PROCEDURES HAVE BEEN COMPLETED AND IF WE HAVE AUTHORITY TO EXCHANGE NOTES.  
POPPER

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